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LAFORGIA, CHRISTIAN A	

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/540,706
Filing Date: June 24, 2005
Appellant(s): KELLY ET AL.

Dicran Halajian
(Reg. No. 39,703)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 24 August 2009 appealing from the Office action mailed 24 March 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

Whether claims 1-3 and 5 of U.S. Patent Application Serial No. ~~10/521,661~~ 10/540,706 are unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,385,388 (Lewis) in view of U.S. Patent No. 7,305,624 to (Siegel).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,385,388	LEWIS et al.	5-2002
7,305,624	SIEGEL	12-2007
2002/0147782	DIMITROVA et al.	10-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,385,388 B1 to Lewis et al., hereinafter Lewis, in view of U.S. Patent No. 7,305,624 B1 to Siegel, hereinafter Siegel.

As per claim 1, Lewis teaches discloses a method of and information carrier player for controlling, from an information carrier player, a user access to an information carrier and to a server, said information carrier being associated with a preset parental control level (DVD_PCL), said information carrier player being associated with a current parental control level selected from among a set of parental control levels, said method of controlling comprising the steps of:

receiving the preset parental control level associated with the information carrier (Figures 10 and 11 [step 123], column 7, lines 21-37, i.e. determining the parental rating associated with a disk);

comparing said current parental control level and said present parental control level (column 5, lines 22-35);

authorizing or not authorizing access to the information on said information carrier in dependence on said comparing step (column 5, lines 22-35).

Lewis does not teach associating a list of server addresses with said parental control levels and restricting the user access to the server addresses in said list having parental control level lower than or equal to said current parental control level.

Siegel teaches using parental controls to limit access to questionable or objectionable web sites and content (column 38, lines 23-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to associate a list of server addresses with said parental control levels and restrict the user access to the server addresses in said list having parental control level lower than or equal to said current parental control level, since Siegel states in the abstract that using parental controls for websites will help to provide a safe Internet experience. This is especially true since US 2002/0147782 A1 to Dimitrova et al., hereinafter Dimitrova, states in paragraph 0035 that video input streams are coming from a variety of sources these days such as DVD, VCR, cable TV, satellite and the Internet. Furthermore, *KSR International Co. v. Teleflex Inc. (KSR)*, 550 U.S. ___, 82 USPQ2d 1385 (2007) brought to light that it does not require anything more than routine skill in the art to combine two techniques that were already to known to yield a predictable result. In the present case, the Applicant is combining parental controls for a media player with parental controls for web browsing.

Regarding claim 2, Lewis teaches a first control sub-step for deactivating said restricting step (Figures 10 and 11 [step 131], column 7, line 50 to column 8, line 5, i.e. overriding parental controls).

Regarding claim 3, Lewis and Siegel do not teach a second control sub-step for forbidding the user access to any server address.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to forbid access to any server, since it only takes routine skill in the art to remove access to any server address. See MPEP § 2144.04(II); see also *Ex parte Wu*, 10 USPQ 2031 (Bd. Pat. App. & Inter. 1989).

As per claim 5, Lewis teaches a method of and information carrier player for controlling, from an information carrier player, a user access to an information carrier and to a server, said information carrier being associated with a preset parental control level (DVD_PCL), said information carrier player being associated with a current parental control level selected from among a set of parental control levels, said method of controlling comprising the steps of:

receiving the preset parental control level associated with the information carrier (Figures 10 and 11 [step 123], column 7, lines 21-37, i.e. determining the parental rating associated with a disk);

comparing said current parental control level and said present parental control level (column 5, lines 22-35);

authorizing or not authorizing access to the information on said information carrier in dependence on said comparing step (column 5, lines 22-35).

Lewis does not teach comparing said current parental control level and the highest parental control level of said set of parental control levels; and authorizing or not authorizing access to said server in dependence on said comparing.

Siegel teaches using parental controls to limit access to questionable or objectionable web sites and content (column 38, lines 23-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to compare said current parental control level and the highest parental control level of said set of parental control levels and authorize or not authorizing access to said server in dependence on said comparing, since Siegel states in the abstract that using parental controls for websites will help to provide a safe Internet experience. This is especially true since US 2002/0147782 A1 to Dimitrova et al., hereinafter Dimitrova, states in paragraph 0035 that video input streams are coming from a variety of sources these days such as DVD, VCR, cable TV, satellite and the Internet. Furthermore, *KSR International Co. v. Teleflex Inc. (KSR)*, 550 U.S. ___, 82 USPQ2d 1385 (2007) brought to light that it does not require anything more than routine skill in the art to combine two techniques that were already to known to yield a predictable result. In the present case, the Applicant is combining parental controls for a media player with parental controls for web browsing.

(10) Response to Argument

On pages 11-13, the appellant appears to argue that the examiner cited sections ('624, 38:23-57) do not describe the invention of the patent and merely provide background information. "The use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain." *In re Heck*, 216 USPQ 1038, 1039 (Fed. Cir. 1983). Therefore, the examiner's reliance on the cited portions is proper.

The appellant then proceeds to argue on pages 13 and 14 that the prior art does not teach "associating a list of server addresses with said parental control levels" and "restricting the user access to the server addresses in said list having parent control level lower than or equal to said current parental control level." The examiner disagrees.

First, with respect to the appellant's arguments that the prior art does not teach "associating a list of server addresses with said parental control levels," the examiner refers to column 38, lines 26-44. The cited section discusses, in part, the use of white lists and black lists. White and black lists are tables that store web sites that are approved for and excluded from being accessed. While the prior art reference is silent on how this is implemented, one of ordinary skill in the art would recognize that these web sites could be included in the listings by either their domain name, IP address, or both. The appellant's specification states at page 6, line 12 that "Server addresses correspond for example to Website addresses or to FTP addresses." Therefore, the prior art's disclosure of white and black lists to control access to web pages or sites meets the limitation "associating a list of server addresses with said parental control levels," and the rejection should be sustained.

Next, with respect to the appellant's arguments that the prior art does not teach "restricting the user access to the server addresses in said list having parent control level lower than or equal to said current parental control level," the examiner again refers to column 38, lines 22-44. The prior art states at column 38, lines 24-26 that the "purpose of limiting Internet access which, among other things, help provide a safe Internet experience for kids with respect to the World Wide Web." In other words, parents can set white lists, which are tables of web pages and/or sites that their children can access; parents can further set black lists, which are databases of web pages and/or sites that their children are prohibited from accessing (i.e. web sites having a lower parental control rating than intended). The use of black lists reads on the appellant's claim limitation since users are restricted from accessing web sites that appear on the black list. Therefore, parents are able to determine if the web site has a parental control level at or lower than their approval rating and add it to the black list to restrict their children from accessing the unapproved server. Since the prior art discloses the argued limitations, the rejection should be sustained.

In response to appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which appellant relies, such as the details of the associating step, are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Christian LaForgia/

Primary Examiner, Art Unit 2439

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/Edan Orgad/

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Primary Examiner, Art Unit 2439